

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

JOHN BROWN,

Plaintiff,

v.

TAKEUCHI MFG. CO. (U.S.), LTD., et
al.,

Defendants.

No. 2:21-CV-0392-JAM-DMC

ORDER

Plaintiff, who is proceeding with retained counsel, brings this civil action. Pending before the Court is Defendant Takeuchi Mfg. Co. (U.S.), Ltd.'s motion to compel supplemental initial disclosures from Plaintiff. See ECF No. 82. Plaintiff has not contributed to a joint statement or otherwise opposed Defendant's motion. The matter has been submitted on the moving papers without oral argument.

At the outset, the Court notes that this is the second discovery motion filed by Defendant to come before the Court. Previously, the Court granted Defendant's unopposed motion to compel responses to discovery. See ECF No. 81. By separate order, the Court will grant Defendant's request for an award of reasonable expenses relating to this prior discovery motion/

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1 In the pending motion, Defendant contends Plaintiff's initial Rule 26 disclosures
2 are evasive and incomplete in a number of respects. See ECF No. 82-1. As outlined above,
3 Defendant's motion is unopposed. Pursuant to Eastern District of California Local Rule 230(c),
4 (l), the Court construes Plaintiff's failure to oppose Defendant's motion as consent to the relief
5 requested. Accordingly, the Court will grant Defendant's unopposed motion to compel and order
6 Plaintiff to provide supplemental initial disclosures within 30 days. Upon submission of a
7 declaration regarding reasonable expenses, the Court will also award to Defendant reasonable
8 expenses pursuant to Federal Rule of Civil Procedure 37(a)(5)(A).

9 Plaintiff is cautioned that failure to comply with this order may result in
10 terminating sanctions under Federal Rule of Civil Procedure 37(b)(2)(A).¹

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Defendant's unopposed motion to compel, ECF No. 82, is granted;
- 13 2. Plaintiff shall serve supplemental initial disclosures within 30 days of the
14 date of this order;
- 15 3. Within seven days of the date of this order, Defendant shall file a
16 declaration as to reasonable expenses associated with its motion; and
- 17 4. Plaintiff may file a response to Defendant's declaration as to reasonable
18 expenses within seven days of service of Defendant's declaration.

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20 Dated: March 22, 2023


21 DENNIS M. COTA
22 UNITED STATES MAGISTRATE JUDGE
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27 ¹ Defendant's motion or terminating sanctions for Plaintiff's failure to comply with the Court's
28 January 17, 2023, order granting Defendant's first motion to compel is set for hearing before the undersigned in
Redding, California, on April 19, 2023, at 10:00 a.m.